REMARKS

In response to the Office Action dated July 27, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

Rejection of Claims under § 102 (e)

The Office rejects claims 1-6, 8-9, 11-18, and 20 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,538,623 to Parnian, *et al.* A claim, however, is only anticipated when each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

These claims, however, cannot be anticipated by *Parnian*. These claims recite, or incorporate, features that are not taught or suggested by *Parnian*. Independent claim 1, for example, recites "*the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded.*" Support for such features may be found at least at paragraph [0007] of the as-filed application. Independent claim 1 also recites "*a set of rules ... [that determines] when to transfer the contents of the loop buffer into the memory.*" "*[W]hen the set of rules is unsatisfied, then discarding the contents of the loop buffer.*" When, however, "*a rule is satisfied, then transferring the contents of the loop buffer to the memory to provide video data that precedes the event.*" Support for such features may be found at least at paragraph [0018] of the as-filed application. Independent claim 1 also recites "*tagging the preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.*" Support for such features may be found at least at paragraph [0032] of the as-filed application. Independent claim 1 is reproduced below, and independent claim 12 recites similar features.

[c01] A video recorder, comprising:

a processor communicating with memory, the memory storing video data of an event captured by a camera, the video data comprising a series of picture frames;

a loop buffer also storing the video data of the event captured by the camera, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded;

a set of rules stored in the memory, the set of rules determining when to transfer the contents of the loop buffer into the memory;

when the processor determines that the set of rules is unsatisfied, then the processor discards the contents of the loop buffer;

when the processor determines that a rule is satisfied, then the processor transfers the contents of the loop buffer to the memory to provide video data that precedes the event; and

the processor tags the preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

Parnian cannot anticipate all these features. First, *Parnian* does not store video data "*in memory*" and in "*a loop buffer.*" The independent claims recite features for storing video data in two separate memories, whereas *Parnian* only describes storing video data in "video memory." U.S. Patent 6,538,623 to Parnian, *et al.* (Mar. 25, 2003) at FIG. 2; *see also id.* at column 12, lines 28-31. Because *Parnian* fails to teach or suggest storing video data "*in memory*" and in "*a loop buffer,*" *Parnian* cannot anticipate independent claims 1 and 12.

Second, *Parnian* does not teach or suggest a "*loop buffer.*" The "*loop buffer stor[es] the video data for a predetermined duration of time, after which the video data is transferred or discarded*" (emphasis added). While *Parnian* describes storing video data in "video memory," *Parnian* is entirely silent to "*storing the video data for a predetermined duration of time, after which the video data is transferred or discarded.*" Because *Parnian* fails to teach or suggest the recited features of the "*loop buffer,*" *Parnian* cannot anticipate independent claims 1 and 12.

Third, *Parnian* does not teach or suggest "*a set of rules ... [that determines] when to transfer the contents of the loop buffer into the memory.*" The Office merely asserts that, because *Parnian* discloses a CPU, then this CPU "adheres to a set of rules ... to determine whether to

keep data stored in memory or store to other external video storage means." Examiner Wong, Office Action mailed July 27, 2007, at page 6, lines 10-14. This assertion, however, is complete speculation. The Office cites no passages of *Parnian* in support of this assertion. Bald assertions, however, cannot satisfy the Office's burden. *Parnian*, quite simply, is silent to "*a set of rules ... [that determines] when to transfer the contents of the loop buffer into the memory.*" Because the Office has failed to provide evidence in support of this assertion, *Parnian* cannot anticipate independent claims 1 and 12.

Fourth, *Parnian* is silent to more features. Because *Parnian* fails to disclose the "*set of rules*," *Parnian* must fail to teach or suggest "*when the set of rules is unsatisfied, then discarding the contents of the loop buffer.*" *Parnian* must, therefore, also fail to teach or suggest "*when a rule is satisfied, then transferring the contents of the loop buffer to the memory to provide video data that precedes the event.*" *Parnian's* complete lack of disclosure or teaching of these features forbids any assertion of anticipation of independent claims 1 and 12.

Fifth, *Parnian* is silent to "*tagging the preceding video data.*" Because *Parnian* fails to teach or suggest "*a loop buffer*," *Parnian* cannot provide "*video data that precedes the event.*" Because *Parnian* fails to disclose the "*set of rules*," *Parnian* fails to teach or suggest "*tagging the preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.*" Again, the Office baldly asserts that *Parnian* discloses these features. The Office cites no passages of *Parnian* in support of this assertion. Bald assertions, however, cannot satisfy the Office's burden. Because the Office has failed to provide evidence in support of this assertion, *Parnian* cannot anticipate independent claims 1 and 12.

Claims 1-6, 8-9, 11-18, and 20, then, cannot be anticipated by *Parnian*. The patent to Parnian, *et al.*, quite simply, is silent to many, if not most, of the features recited by independent claims 1 and 12. Their respective dependent claims incorporate these same features and recite additional features. Claims 1-6, 8-9, 11-18, and 20, then, cannot be anticipated by *Parnian*, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

Rejection of Claims under § 103 (a)

The Office also rejected claims 7, 10, and 19 as being obvious over *Parnian* in view of U.S. Patent 5,144,661 to Shamosh, *et al.* If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claims 7, 10, and 19 cannot be obvious over the combined teaching of *Parnian* and *Shamosh*. These claims incorporate the distinguishing features of their respective base claims. As the above paragraphs explained, *Parnian* is silent to many, if not most, of the features recited by independent claims 1 and 12. The patent to Shamosh, *et al.* does not cure these deficiencies. *Shamosh* discloses a security system that captures audio and video data. *See* U.S. Patent 5,144,661 to Shamosh, *et al.* at column 2, lines 60-65. The security system may be installed in a vehicle. *See id.* at column 5, lines 5-10. When a sensor is activated, the security system may turn on the vehicle's interior lights. *See id.* at column 6, lines 13-15.

Still, though, *Parnian* and *Shamosh* cannot obviate claims 7, 10, and 19. These claims depend from their respective base claims and incorporate the same distinguishing features. The proposed combination of *Parnian* and *Shamosh* remains silent to a "*loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded*" (emphasis added). *Parnian* and *Shamosh* still fails to teach or suggest "*a set of rules ... [that determines] when to transfer the contents of the loop buffer into the memory.*" Moreover, *Parnian* and *Shamosh* remains silent to "*when the set of rules is unsatisfied, then discarding the contents of the loop buffer,*" "*when a rule is satisfied, then transferring the contents of the loop buffer to the memory to provide video data that precedes the event,*" and "*tagging the preceding video data with metadata describing the rule that caused the contents of*

the loop buffer to be transferred to the memory." Because the proposed combination of *Parnian* and *Shamosh* remains silent to all these features, claims 7, 10, and 19 cannot be obvious.

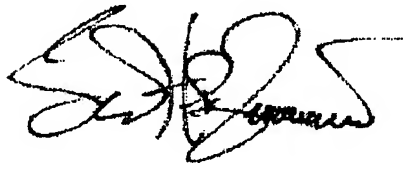
Moreover, the Assignee must, very respectfully, disagree with Examiner Wong. Examiner Wong asserts that *Shamosh* teaches the recited features of claims 10 and 19. While *Shamosh* discloses that the security system may be installed in a vehicle (*see id.* at column 5, lines 5-10), no where does *Shamosh* disclose "*an interface with a vehicle controller to transfer the contents of the loop buffer into the memory,*" as dependent claims 10 and 19 recite. *Shamosh*, in fact, makes absolutely no teaching or suggestion of "*an interface with a vehicle controller.*" *Shamosh* merely explains that when a sensor is activated, the security system may turn on the vehicle's interior lights. *See id.* at column 6, lines 13-15. This passage in no way teaches or suggests "*an interface with a vehicle controller.*" This passage merely implies some kind of interface with a vehicle's lights. One of ordinary skill in the art, then, would not think that dependent claims 10 and 19 are obvious. The Office, then, is respectfully requested to remove the § 103 (a) rejection of these claims.

Double Patenting Rejection

The Office also provisionally rejected claims 1-20 for nonstatutory double patenting over claims 1, 11, and 18 of co-pending U.S. Application 11/674,995 (Attorney Docket 030264). Should claims 1-20 of this application be allowed, the Assignee will promptly consider the submission of a terminal disclaimer.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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